

Public Chapter 205

HOUSE BILL NO. 57

By Representative Rhinehart

Substituted for: Senate Bill No. 111

By Senator Rochelle

AN ACT to amend Tennessee Code Annotated, Section 54-7-104, relative to the qualifying procedure for chief administrative officers under the County Uniform Highway Law.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 54-7-104, is amended by creating a new subsection (a) as follows and by redesignating all subsequent subsections as appropriate:

(a)(1) There is hereby created and established the Tennessee highway officials certification board, hereinafter referred to as the "board" which shall be composed of five (5) members as follows:

(A) One (1) member appointed by the Secretary of State; and

(B) One (1) member appointed by the director of the Tennessee chapter of the American Public Works Association; and

(C) One (1) member appointed by the Governor from a list of nominees submitted by the representative professional engineering society of the state; and

(D) One (1) member appointed by the Comptroller of the Treasury; and

(E) One (1) member appointed by the executive director of the Tennessee County Services Association.

(2) The board has and shall exercise the power to review the qualifications of all candidates for both elected and appointed positions as chief administrative officer of the county or metropolitan government departments which build and maintain the roads of the county. Candidates for this office in counties where the position is filled by popular election shall file affidavits and such other evidence as the board shall require with the board not later than fourteen (14) days prior to the qualifying deadline for candidates in the election. After review of the qualifications and the standards required for that county, the board shall certify to the coordinator of elections, who shall forward such certification to the appropriate county election commission, that a candidate's qualifications are acceptable prior to the candidate's name being placed on the ballot. A certificate of qualification from the board must be filed with the

candidate's qualifying petition prior to the qualifying deadline. Candidates for this office in the counties where the position is appointed shall also file evidence satisfactorily demonstrating that they meet the qualifications to hold the office with the board prior to appointment to the office.

(3) Members of the board shall serve for a term of two (2) years. The appointee representing the Secretary of State shall serve as the chair of the board. Upon the death, resignation, or removal of any appointive member, a replacement shall be appointed by the party representing the same area of interest as the member whose position has been vacated to fill the unexpired term of such member. The terms of the members of the board shall begin on July 1, 1997.

(4) No chief administrative officer of a county or metropolitan highway department shall be appointed to the board if that person may become subject to re-election or re-appointment as a chief administrative officer during his or her term of service on the board.

(5) The board shall only meet as is necessary to fulfill its duties. All materials or correspondence submitted to the board shall be received through the office of the coordinator of elections, who shall forward the materials or correspondence to the board. The board shall keep complete and accurate records of the proceedings of all their meetings, a copy of which shall be kept on file in the office of the coordinator of elections and open to public inspection.

(6) Subject to the approval of the Secretary of State, the board may promulgate rules to be followed by persons wishing to submit themselves for certification as qualified to seek the office of the chief administrative officer of the county or metropolitan highway department. The board shall submit any such promulgated rules pertaining to such qualifications for the office of chief administrative officer to the registrar of each affected county election commission who shall publish such rules in a local newspaper with general circulation in the county at least sixty (60) days before the qualifying deadline for either the primary or general election, or appointment by the legislative body of the county.

SECTION 2. Tennessee Code Annotated, Section 54-7-104(a)(1), is amended by deleting the language "the appointing authority or with the state coordinator of elections, when the chief administrator is an elected official" from the end of the first sentence in that paragraph and replacing it with "the Tennessee highway officials certification board" and by deleting the third, fourth, and fifth sentences from that paragraph.

SECTION 3. The provisions of this act shall not apply in any county having a population of not less than 80,000 nor more than 83,000 according to the 1990 Federal Census or any subsequent Federal Census.

SECTION 4. The provisions of this act shall not apply in counties having a population, according to the 1990 Federal Census or any subsequent Federal Census of:

<u>not less than:</u>	<u>nor more than:</u>
26,100	26,400
13,680	13,750

SECTION 5. The provisions of this act shall not apply in any county having a metropolitan form of government and a population in excess of 100,000, according to the 1990 Federal Census or any subsequent Federal Census.

SECTION 6. The provisions of this act shall apply in counties having a population, according to the 1990 Federal Census or any subsequent Federal Census of:

<u>not less than</u>	<u>nor more than</u>
26,100	26,400
13,680	13,750

SECTION 7. The provisions of this act shall not apply in any county having a population of not less than sixty-seven thousand six hundred (67,600) nor more than sixty-seven thousand nine hundred (67,900), according to the 1990 Federal Census or any subsequent Federal Census.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.